

AMENDED IN ASSEMBLY JANUARY 4, 2010

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 1502

Introduced by Assembly Member Eng

February 27, 2009

~~An act to amend Section 5205.5 of the Vehicle Code, relating to vehicles. An act to amend Sections 12814.6 and 17703 of the Vehicle Code, relating to driver's licenses.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 1502, as amended, Eng. ~~Vehicles: HOV lanes. Driver's licenses:~~
~~instruction permit: provisional license.~~

The Brady-Jared Teen Driver Safety Act of 1997 requires the Department of Motor Vehicles, upon application for an original license, to issue an instruction permit to a person at least 16 years of age, but under 18 years of age, pursuant to the provisional licensing program. Under the act, the holder of an instruction permit is required to meet specified requirements and may operate a motor vehicle, other than a motorcycle or motorized bicycle, only when he or she is taking a specified driver training instruction or is practicing that instruction accompanied by, and is under the immediate supervision of, a California licensed driver 25 years of age or older. Existing law also imposes specified conditions upon the holder of a provisional license with regard to driving between the hours of 11 p.m. and 5 a.m. or transporting passengers under 20 years of age.

Existing law also requires that if the person or persons required to sign and verify the application of a minor are not residents of this state, the application be verified by a person residing within this state who has custody of the minor, or the department may accept an application

signed and verified by the minor and accompanied by proof of financial responsibility.

This bill would authorize a driver who is licensed under the laws of any state and is the parent or guardian of the minor and a member of the Armed Forces of the United States on active duty, stationed in California, or his or her spouse, to accompany and supervise the holder of an instruction permit, to accompany a holder of a provisional license, and to sign and verify the minor's application for a license or an instruction permit.

~~Existing law authorizes the Department of Transportation to designate certain lanes for the exclusive use of high-occupancy vehicles (HOVs), which lanes may also be used, until January 1, 2011, or until the Secretary of State receives a specified notice, by certain low-emission, hybrid, or alternative fuel vehicles not carrying the requisite number of passengers otherwise required for the use of an HOV lane if the vehicle displays a valid identifier.~~

~~This bill would revise that provision to provide that it shall remain in effect until January 1, 2017, or until the Secretary of State receives a specified notice, except that with respect to a hybrid or alternative fuel vehicle the provision would be operative only until January 1, 2011, or until the Secretary of State receives the specified notice.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 *SECTION. 1. Section 12814.6 of the Vehicle Code is amended*
2 *to read:*

3 12814.6. (a) Except as provided in Section 12814.7, a driver's
4 license issued to a person at least 16 years of age but under 18
5 years of age shall be issued pursuant to the provisional licensing
6 program contained in this section. The program shall consist of
7 all of the following components:

8 (1) Upon application for an original license, the applicant shall
9 be issued an instruction permit pursuant to Section 12509. A person
10 who has in his or her immediate possession a valid permit issued
11 pursuant to Section 12509 may operate a motor vehicle, other than
12 a motorcycle or motorized bicycle, only when the person is either
13 taking the driver training instruction referred to in paragraph (3)
14 or practicing that instruction, provided the person is accompanied

1 by, and is under the immediate supervision of,—a *one of the*
2 *following*:

3 (A) A California licensed driver 25 years of age or older whose
4 driving privilege is not on probation. The age requirement of this
5 ~~paragraph~~ *subparagraph* does not apply if the *California* licensed
6 driver is the parent, spouse, or guardian of the permitholder or is
7 a licensed or certified driving instructor.

8 (B) *A driver who is licensed under the laws of any state and is*
9 *the parent or guardian of the applicant and a member of the Armed*
10 *Forces of the United States on active duty stationed in California,*
11 *or his or her spouse, whose driving privilege is not on probation.*

12 (2) The person shall hold an instruction permit for not less than
13 six months prior to applying for a provisional driver's license.

14 (3) The person shall have complied with one of the following:

15 (A) Satisfactory completion of approved courses in automobile
16 driver education and driver training maintained pursuant to
17 provisions of the Education Code in any secondary school of
18 California, or equivalent instruction in a secondary school of
19 another state.

20 (B) Satisfactory completion of an integrated driver education
21 and training program that is approved by the department and
22 conducted by a driving instructor licensed under Chapter 1
23 (commencing with Section 11100) of Division 5. The program
24 shall utilize segmented modules, whereby a portion of the
25 educational instruction is provided by, and then reinforced through,
26 specific behind-the-wheel training before moving to the next phase
27 of driver education and training. The program shall contain a
28 minimum of 30 hours of classroom instruction and six hours of
29 behind-the-wheel training.

30 (C) Satisfactory completion of six hours or more of
31 behind-the-wheel instruction by a driving school or an independent
32 driving instructor licensed under Chapter 1 (commencing with
33 Section 11100) of Division 5 and either an accredited course in
34 automobile driver education in any secondary school of California
35 pursuant to provisions of the Education Code or satisfactory
36 completion of equivalent professional instruction acceptable to
37 the department. To be acceptable to the department, the
38 professional instruction shall meet minimum standards to be
39 prescribed by the department, and the standards shall be at least
40 equal to the requirements for driver education and driver training

1 contained in the rules and regulations adopted by the State Board
2 of Education pursuant to the Education Code. A person who has
3 complied with this subdivision shall not be required by the
4 governing board of a school district to comply with subparagraph
5 (A) in order to graduate from high school.

6 (D) Except as provided under subparagraph (B), a student may
7 not take driver training instruction, unless he or she has
8 successfully completed driver education.

9 (4) The person shall complete 50 hours of supervised driving
10 practice prior to the issuance of a provisional license, which is in
11 addition to any other driver training instruction required by law.
12 Not less than 10 of the required practice hours shall include driving
13 during darkness, as defined in Section 280. Upon application for
14 a provisional license, the person shall submit to the department
15 the certification of a parent, spouse, guardian, or licensed or
16 certified driving instructor that the applicant has completed the
17 required amount of driving practice and is prepared to take the
18 department's driving test. A person without a parent, spouse,
19 guardian, or who is an emancipated minor, may have a licensed
20 driver 25 years of age or older or a licensed or certified driving
21 instructor complete the certification. This requirement does not
22 apply to motorcycle practice.

23 (5) The person shall successfully complete an examination
24 required by the department. Before retaking a test, the person shall
25 wait for not less than one week after failure of the written test and
26 for not less than two weeks after failure of the driving test.

27 (b) Except as provided in Section 12814.7, the provisional
28 driver's license shall be subject to all of the following restrictions:

29 (1) Except as specified in paragraph ~~(2)~~ (4), during the first 12
30 months after issuance of a provisional license the licensee may
31 not do any of the ~~following~~ activities specified in paragraph (3),
32 unless accompanied and supervised ~~by a~~ by any of the following:

33 (A) A licensed driver who is the licensee's parent or guardian;
34 a.

35 (B) A licensed driver who is 25 years of age or older, ~~or a~~.

36 (C) A licensed or certified driving instructor.

37 (D) A driver who is licensed under the laws of any state and is
38 the parent or guardian of the licensee and a member of the Armed
39 Forces of the United States on active duty stationed in California,
40 or his or her spouse.

1 (2) *The prohibited activities include either of the following:*

2 (A) ~~Drive~~ *Driving* between the hours of 11 p.m. and 5 a.m.

3 (B) ~~Transport~~ *Transporting* passengers who are under 20 years
4 of age.

5 (2)

6 (3) A licensee may drive between the hours of 11 p.m. and 5
7 a.m. or transport an immediate family member without being
8 accompanied and supervised by a licensed driver who is the
9 licensee's parent or guardian, a licensed driver who is 25 years of
10 age or older, or a licensed or certified driving instructor, in the
11 following circumstances:

12 (A) Medical necessity of the licensee when reasonable
13 transportation facilities are inadequate and operation of a vehicle
14 by a minor is necessary. The licensee shall keep in his or her
15 possession a signed statement from a physician familiar with the
16 condition, containing a diagnosis and probable date when sufficient
17 recovery will have been made to terminate the necessity.

18 (B) Schooling or school-authorized activities of the licensee
19 when reasonable transportation facilities are inadequate and
20 operation of a vehicle by a minor is necessary. The licensee shall
21 keep in his or her possession a signed statement from the school
22 principal, dean, or school staff member designated by the principal
23 or dean, containing a probable date that the schooling or
24 school-authorized activity will have been completed.

25 (C) Employment necessity of the licensee when reasonable
26 transportation facilities are inadequate and operation of a vehicle
27 by a minor is necessary. The licensee shall keep in his or her
28 possession a signed statement from the employer, verifying
29 employment and containing a probable date that the employment
30 will have been completed.

31 (D) Necessity of the licensee or the licensee's immediate family
32 member when reasonable transportation facilities are inadequate
33 and operation of a vehicle by a minor is necessary to transport the
34 licensee or the licensee's immediate family member. The licensee
35 shall keep in his or her possession a signed statement from a parent
36 or legal guardian verifying the reason and containing a probable
37 date that the necessity will have ceased.

38 (E) The licensee is an emancipated minor.

1 (c) A law enforcement officer shall not stop a vehicle for the
2 sole purpose of determining whether the driver is in violation of
3 the restrictions imposed under subdivision (b).

4 (d) A law enforcement officer shall not stop a vehicle for the
5 sole purpose of determining whether a driver who is subject to the
6 license restrictions in subdivision (b) is in violation of Article 2.5
7 (commencing with Section 118947) of Chapter 4 of Part 15 of
8 Division 104 of the Health and Safety Code.

9 (e) (1) Upon a finding that any licensee has violated paragraph
10 (1) of subdivision (b), the court shall impose one of the following:

11 (A) Not less than eight hours nor more than 16 hours of
12 community service for a first offense and not less than 16 hours
13 nor more than 24 hours of community service for a second or
14 subsequent offense.

15 (B) A fine of not more than thirty-five dollars (\$35) for a first
16 offense and a fine of not more than fifty dollars (\$50) for a second
17 or subsequent offense.

18 (2) If the court orders community service, the court shall retain
19 jurisdiction until the hours of community service have been
20 completed.

21 (3) If the hours of community service have not been completed
22 within 90 days, the court shall impose a fine of not more than
23 thirty-five dollars (\$35) for a first offense and not more than fifty
24 dollars (\$50) for a second or subsequent offense.

25 (f) A conviction of paragraph (1) of subdivision (b), when
26 reported to the department, may not be disclosed as otherwise
27 specified in Section 1808 or constitute a violation point count value
28 pursuant to Section 12810.

29 (g) Any term of restriction or suspension of the driving privilege
30 imposed on a person pursuant to this subdivision shall remain in
31 effect until the end of the term even though the person becomes
32 18 years of age before the term ends.

33 (1) The driving privilege shall be suspended when the record
34 of the person shows one or more notifications issued pursuant to
35 Section 40509 or 40509.5. The suspension shall continue until any
36 notification issued pursuant to Section 40509 or 40509.5 has been
37 cleared.

38 (2) A 30-day restriction shall be imposed when a driver's record
39 shows a violation point count of two or more points in 12 months,
40 as determined in accordance with Section 12810. The restriction

1 shall require the licensee to be accompanied by a licensed parent,
2 spouse, guardian, or other licensed driver 25 years of age or older,
3 except when operating a class M vehicle, or so licensed, with no
4 passengers aboard.

5 (3) A six-month suspension of the driving privilege and a
6 one-year term of probation shall be imposed whenever a licensee's
7 record shows a violation point count of three or more points in 12
8 months, as determined in accordance with Section 12810. The
9 terms and conditions of probation shall include, but not be limited
10 to, both of the following:

11 (A) The person shall violate no law which, if resulting in
12 conviction, is reportable to the department under Section 1803.

13 (B) The person shall remain free from accident responsibility.

14 (h) Whenever action by the department under subdivision (g)
15 arises as a result of a motor vehicle accident, the person may, in
16 writing and within 10 days, demand a hearing to present evidence
17 that he or she was not responsible for the accident upon which the
18 action is based. Whenever action by the department is based upon
19 a conviction reportable to the department under Section 1803, the
20 person has no right to a hearing pursuant to Article 3 (commencing
21 with Section 14100) of Chapter 3.

22 (i) The department shall require a person whose driving privilege
23 is suspended or revoked pursuant to subdivision (g) to submit proof
24 of financial responsibility as defined in Section 16430. The proof
25 of financial responsibility shall be filed on or before the date of
26 reinstatement following the suspension or revocation. The proof
27 of financial responsibility shall be maintained with the department
28 for three years following the date of reinstatement.

29 (j) (1) Notwithstanding any other provision of this code, the
30 department may issue a distinctive driver's license, that displays
31 a distinctive color or a distinctively colored stripe or other
32 distinguishing characteristic, to persons at least 16 years of age
33 and older but under 18 years of age, and to persons 18 years of
34 age and older but under 21 years of age, so that the distinctive
35 license feature is immediately recognizable. The features shall
36 clearly differentiate between driver's licenses issued to persons at
37 least 16 years of age or older but under 18 years of age and to
38 persons 18 years of age or older but under 21 years of age.

39 (2) If changes in the format or appearance of driver's licenses
40 are adopted pursuant to this subdivision, those changes may be

1 implemented under any new contract for the production of driver's
2 licenses entered into after the adoption of those changes.

3 (k) The department shall include, on the face of the provisional
4 driver's license, the original issuance date of the provisional
5 driver's license in addition to any other issuance date.

6 (l) This section shall be known and may be cited as the
7 Brady-Jared Teen Driver Safety Act of 1997.

8 *SEC. 2. Section 17703 of the Vehicle Code is amended to read:*

9 17703. If the person or persons required to sign and verify the
10 application of a minor are not residents of this state, the *following*
11 *shall apply*:

12 (a) *The application shall be signed and verified by a person*
13 *residing within this state who has custody of the minor, or the.*

14 (b) *The department may accept an application signed and*
15 *verified by the minor and accompanied by proof of financial*
16 *responsibility, as defined in Section 16430.*

17 (c) *The department may accept an application signed and*
18 *verified by a driver who is licensed under the laws of any state*
19 *and is the parent or guardian of the minor and a member of the*
20 *Armed Forces of the United States on active duty stationed in*
21 *California, or his or her spouse.*

22 ~~SECTION 1. Section 5205.5 of the Vehicle Code is amended~~
23 ~~to read:~~

24 ~~5205.5. (a) For the purposes of implementing Section 21655.9,~~
25 ~~the department shall make available for issuance, for a fee~~
26 ~~determined by the department to be sufficient to reimburse the~~
27 ~~department for the actual costs incurred pursuant to this section,~~
28 ~~distinctive decals, labels, and other identifiers that clearly~~
29 ~~distinguish the following vehicles from other vehicles:~~

30 ~~(1) A vehicle that meets California's super ultra-low emission~~
31 ~~vehicle (SULEV) standard for exhaust emissions and the federal~~
32 ~~inherently low-emission vehicle (ILEV) evaporative emission~~
33 ~~standard, as defined in Part 88 (commencing with Section~~
34 ~~88.101-94) of Title 40 of the Code of Federal Regulations.~~

35 ~~(2) A vehicle that was produced during the 2004 model year or~~
36 ~~earlier and meets California ultra-low emission vehicle (ULEV)~~
37 ~~standard for exhaust emissions and the federal ILEV standard.~~

38 ~~(3) A hybrid vehicle or an alternative fuel vehicle that meets~~
39 ~~California's advanced technology partial zero-emission vehicle~~

1 ~~(AT PZEV) standard for criteria pollutant emissions and has a 45~~
2 ~~miles per gallon or greater fuel economy highway rating.~~

3 ~~(4) A hybrid vehicle that was produced during the 2004~~
4 ~~model-year or earlier and has a 45 miles per gallon or greater fuel~~
5 ~~economy highway rating, and meets California's ULEV, SULEV,~~
6 ~~or partial zero-emission vehicle (PZEV) standards.~~

7 ~~(b) Neither an owner of a hybrid vehicle that meets the AT~~
8 ~~PZEV standard, with the exception of a vehicle that meets the~~
9 ~~federal ILEV standard, nor an owner of a hybrid vehicle described~~
10 ~~in paragraph (4) of subdivision (a), is entitled to a decal, label, or~~
11 ~~other identifier pursuant to this section unless, and until, the federal~~
12 ~~government acts to approve the use of high-occupancy vehicle~~
13 ~~(HOV) lanes by vehicles of the types identified in paragraph (3)~~
14 ~~or (4) of subdivision (a), regardless of the number of occupants.~~

15 ~~(c) The department shall include a summary of the provisions~~
16 ~~of this section on each motor vehicle registration renewal notice,~~
17 ~~or on a separate insert, if space is available and the summary can~~
18 ~~be included without incurring additional printing or postage costs.~~

19 ~~(d) The Department of Transportation shall remove individual~~
20 ~~HOV lanes, or portions of those lanes, during periods of peak~~
21 ~~congestion from the access provisions provided in subdivision (a),~~
22 ~~following a finding by the Department of Transportation as follows:~~

23 ~~(1) The lane, or portion thereof, exceeds a level of service C,~~
24 ~~as discussed in subdivision (b) of Section 65089 of the Government~~
25 ~~Code.~~

26 ~~(2) The operation or projected operation of the vehicles~~
27 ~~described in subdivision (a) in these lanes, or portions thereof, will~~
28 ~~significantly increase congestion.~~

29 ~~The finding also shall demonstrate the infeasibility of alleviating~~
30 ~~the congestion by other means, including, but not limited to,~~
31 ~~reducing the use of the lane by noneligible vehicles, or further~~
32 ~~increasing vehicle occupancy.~~

33 ~~(e) The State Air Resources Board shall publish and maintain~~
34 ~~a listing of all vehicles eligible for participation in the programs~~
35 ~~described in this section. The board shall provide that listing to~~
36 ~~the department.~~

37 ~~(f) For purposes of subdivision (a), the Department of the~~
38 ~~California Highway Patrol and the department, in consultation~~
39 ~~with the Department of Transportation, shall design and specify~~
40 ~~the placement of the decal, label, or other identifier on the vehicle.~~

1 Each decal, label, or other identifier issued for a vehicle shall
2 display a unique number, which number shall be printed on, or
3 affixed to, the vehicle registration.

4 (g) (1) (A) Except as provided in subparagraph (B), for
5 purposes of subdivision (a), the department shall issue no more
6 than 85,000 distinctive decals, labels, or other identifiers that
7 clearly distinguish the vehicles specified in paragraphs (3) and (4)
8 of subdivision (a).

9 (B) The department may issue a decal, label, or other identifier
10 for a vehicle that satisfies all of the following conditions:

11 (i) The vehicle is of a type identified in paragraph (3) or (4) of
12 subdivision (a).

13 (ii) The owner of the vehicle is the owner of a vehicle for which
14 a decal, label, or identifier described in subparagraph (A) was
15 previously issued and that vehicle for which the decal, label, or
16 identifier was previously issued is determined by the department,
17 on the basis of satisfactory proof submitted by the owner to the
18 department, to be a nonrepairable vehicle or a total loss salvage
19 vehicle.

20 (iii) The owner of the vehicle applied for a decal, label, or other
21 identifier pursuant to this subparagraph on or before March 31,
22 2009, or within six months of the date on which the vehicle for
23 which a decal, label, or identifier was previously issued is declared
24 to be a nonrepairable vehicle or a total loss salvage vehicle,
25 whichever date is later.

26 (2) The department shall notify the Department of Transportation
27 immediately after the date on which the department has issued
28 50,000 decals, labels, and other identifiers under this section for
29 the vehicles described in paragraphs (3) and (4) of subdivision (a).

30 (3) The Department of Transportation shall determine whether
31 significant HOV lane breakdown has occurred throughout the state,
32 in accordance with the following timeline:

33 (A) For lanes that are nearing capacity, the Department of
34 Transportation shall make the determination not later than 90 days
35 after the date provided by the department under paragraph (2).

36 (B) For lanes that are not nearing capacity, the Department of
37 Transportation shall make the determination not later than 180
38 days after the date provided by the department under paragraph
39 (2).

1 ~~(4) In making the determination that significant HOV lane~~
2 ~~breakdown has occurred, the Department of Transportation shall~~
3 ~~consider the following factors in the HOV lane:~~

- 4 ~~(A) Reduction in level of service.~~
5 ~~(B) Sustained stop-and-go conditions.~~
6 ~~(C) Slower than average speed than the adjacent mixed-flow~~
7 ~~lanes.~~
8 ~~(D) Consistent increase in travel time.~~

9 ~~(5) After making the determinations pursuant to subparagraphs~~
10 ~~(A) and (B) of paragraph (3), if the Department of Transportation~~
11 ~~determines that significant HOV lane breakdown has occurred~~
12 ~~throughout the state, the Department of Transportation shall~~
13 ~~immediately notify the department of that determination, and the~~
14 ~~department, on the date of receiving that notification, shall~~
15 ~~discontinue issuing the decals, labels, or other identifiers for the~~
16 ~~vehicles described in paragraphs (3) and (4) of subdivision (a).~~

17 ~~(h) If the Metropolitan Transportation Commission, serving as~~
18 ~~the Bay Area Toll Authority, grants toll-free and reduced-rate~~
19 ~~passage on toll bridges under its jurisdiction to any vehicle pursuant~~
20 ~~to Section 30102.5 of the Streets and Highways Code, it shall also~~
21 ~~grant the same toll-free and reduced-rate passage to a vehicle~~
22 ~~displaying an identifier issued by the department pursuant to~~
23 ~~paragraph (1) or (2) of subdivision (a) and to a vehicle displaying~~
24 ~~a valid identifier issued by the department pursuant to paragraph~~
25 ~~(3) or (4) of subdivision (a) if the vehicle is registered to an address~~
26 ~~outside of the region identified in Section 66502 of the Government~~
27 ~~Code.~~

28 ~~(i) An owner of a vehicle specified in paragraph (3) or (4) of~~
29 ~~subdivision (a) whose vehicle is registered to an address in the~~
30 ~~region identified in Section 66502 of the Government Code and~~
31 ~~who seeks a vehicle identifier under subdivision (a) in order to~~
32 ~~have access to a HOV lane within the jurisdiction of the Bay Area~~
33 ~~Toll Authority shall do both of the following:~~

34 ~~(1) Obtain and maintain an active account to operate within the~~
35 ~~automatic vehicle identification system described in Section 27565~~
36 ~~of the Streets and Highways Code and shall submit to the~~
37 ~~department a form, approved by the department and issued by the~~
38 ~~Bay Area Toll Authority, that contains the vehicle owner's name,~~
39 ~~the license plate number and vehicle identification number of the~~
40 ~~vehicle, the vehicle make and year model, and the automatic~~

1 ~~vehicle identification system account number, as a condition to~~
2 ~~obtaining a vehicle identifier pursuant to subdivision (a) that allows~~
3 ~~for the use of that vehicle in HOV lanes regardless of the number~~
4 ~~of occupants.~~

5 ~~(2) Be eligible for toll-free or reduced-rate passage on toll~~
6 ~~bridges within the jurisdiction of the Bay Area Toll Authority only~~
7 ~~if, at time of passage, the vehicle meets the passenger occupancy~~
8 ~~rate requirement established for that toll-free or reduced-rate~~
9 ~~passage.~~

10 ~~(j) If the Director of Transportation determines that federal law~~
11 ~~does not authorize the state to allow vehicles that are identified by~~
12 ~~distinctive decals, labels, or other identifiers on vehicles described~~
13 ~~in subdivision (a) to use highway lanes or highway access ramps~~
14 ~~for high-occupancy vehicles regardless of vehicle occupancy, the~~
15 ~~Director of Transportation shall submit a notice of that~~
16 ~~determination to the Secretary of State.~~

17 ~~(k) (1) This section shall remain in effect only until January 1,~~
18 ~~2017, or only until the date the Secretary of State receives the~~
19 ~~notice described in subdivision (j), whichever occurs first, and as~~
20 ~~of that date is repealed.~~

21 ~~(2) However, with respect to vehicles described in paragraphs~~
22 ~~(3) and (4) of subdivision (a), this section shall be operative only~~
23 ~~until January 1, 2011, or until the date the Secretary of State~~
24 ~~receives the notice described in subdivision (j), whichever occurs~~
25 ~~first.~~